IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 12247 of 2004

Between:

Mohd. Kaleemuddin, S/o Mohd, Saleemuddin,
R/o 10-11-771/82/30, Awaisipura, Masab Tank, Hyderabad.

..... PETITIONER

AND

1 Central Power Distribution Company Ltd, Rep. by its Chairman-cum-

Managing Director, Singareni Bhavan, Khairtabad, Hyderabad.
2 Superintending Engineer, (Operation Circle), Rangareddy,
A.P.C.P.D.C.L., Mint Compound, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any appropriate writ or orders, direction, declaring the impugned action of the respondent in not absorbing the petitioner as illegal, arbitrary and violation of principles of natural justice, apart from violative of fundamental rights guaranteed under article 14, 16 and 21 of the Constitution of India. With consequential direction to the Respondents to forthwith absorbing the petitioner either LDC of typist, which is the petitioner is eligible.

Counsel for the Petitioner: MR.DASARI VIJAYA KUMAR

Counsel for the Respondent Nos.1 & 2: MR.S.RAVINDRANATH

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.12247 OF 2004

ORDER:

The petitioner claims that he is a contract labour in the respondents' Company. He joined service on 02-02-1996 and worked till 1998. He further contends that he has been continuing even till today. He contends that the respondent issued B.P.Ms.No.36 dated 18-05-1997 for absorption and regularization of the contract labour in the regular vacancies to the initial cadre in pursuance of an agreement with the recognized unions. The petitioner further submitted that while issuing the said proceedings, the respondents also imposed a condition that the candidates who obtained Court orders are only eligible for consideration. The petitioner further contends that in pursuance of an order of this Court dated 18-11-1999 in W.P.No.5064 of 1999 issued a notification calling for applications for the posts of Sub-Engineers, L.D.C. and Typist. The petitioner applied for the L.D.C. post. The respondent, after receipt of the application, scrutinized the same and issued a letter dated 05-12-2001 in token of the application and directing him to produce certain documents. The petitioner was directed to produce service certificates containing the date and the first engagement details of agreement duly recognized by the Assistant Divisional Engineer, Assistant Engineer etc., and to furnish the said information before 15-12-2001. The petitioner further contended that he submitted the particulars, which are directed to be furnished by the second respondent. But the respondents did not pass any orders or taken any steps for absorption of the petitioner into regular service. Similarly situated persons, worked along with him, filed W.P.No.18042 of 2002 and the High Court directed the respondents to complete the process of appointment on or before 31-3-2003. As per the direction issued by this Court, the respondent considered their cases, but his case was not considered, as such he approached this Court through this writ petition seeking a writ of Mandamus declaring that the impugned action of the respondent in not absorbing the petitioner, as illegal, arbitrary and violation of the principles of natural justice.

2. The learned counsel for the respondent submitted that the petitioner do not submit any documents as required by the second respondent and the second respondent passed an order on 21-11-2002 rejecting the request of the

petitioner. Therefore, the question of passing any further orders in this matter does not arise.

3. The learned counsel for the petitioner submitted that after furnishing the particulars required by the second respondent, no communication has been sent to him, therefore, he is ignorant about the orders said to be passed by the second respondent on the above date.

4. In the light of the circumstances explained by the petitioner, the second respondent is directed to communicate the copy of the order dated 21-11-2002 to the petitioner within ten days from the date of receipt of a copy of this order.

5. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

09th August, 2004

SKM

Note:

C.C. within 3 days.

B/o.

skm

TO

1 The Chairman-cum- Managing Director Central Power Distribution

Company Ltd, Singareni Bhavan, Khairtabad, Hyderabad.

2 Superintending Engineer, (Operation Circle), Rangareddy,
A.P.C.P.D.C.L., Mint Compound, Hyderabad.

3 Two C.D.Copies.